

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.610 OF 1996

Executive Secretary, Bharatiya Vidya
Bhavan & anr. ..Petitioners.

V/s.

Mamta Raval & Ors. ..Respondents.

Mr.S.K.Talsania with Vatsal J.Mehta i/b. M/s.
Bhaishankar Kanga & Girdharilal for Petitioners.

Mr.A.V.Bukhari for Respondent No.1.

Ms.Geeta Shastri, A.G.P. for Respondent No.7.

CORAM : DR.D.Y.CHANDRACHUD, J.

DATED : 26TH JULY, 2006.

P.C.:-

At the hearing of this petition, the learned counsel appearing for the Petitioners and the Respondents agreed that the following directions may be issued by this Court by consent of the parties in substitution of the order dated 9th February, 1996 passed by the School Tribunal, without any further reasons:

- i) The Deputy Director of Education shall verify whether there exists a permanent vacancy in the Biology Department in Bhavan's College.

In order to facilitate this verification, the Petitioners shall, within a period of 2 weeks from today, produce all relevant documentary material before the Deputy Director of Education relating to the approved strength of Teachers in the Junior College, the approved Staffing Pattern and the Roster of reservation. Parties to appear before the Deputy Director of Education on 21st August, 2006 at 12.00 noon. After hearing the parties, the Deputy Director of Education shall pass an order on or before 4th September, 2006 determining whether any permanent vacancy exists in the Biology Department and if so, whether that vacancy is in the open or reserved categories.

ii) The Petitioners state before the Court that subject to the Deputy Director of Education certifying the existence of a permanent vacancy in the Biology Department and upon such certification a probationary appointment shall be given to the first respondent, in view of her having held the post of a teacher in the College in the past. In the event that there is no permanent vacancy available in the open category but there are one or more vacancies available in

reserved category, the claim of the first respondent for temporary appointment against a reserved post, until such time that a regular appointment is given to a duly selected candidate, shall be preferably considered having regard to the fact that the first Respondent has worked with the Institution in the past.

iii) To facilitate this process, upon the determination made by the Deputy Director of Education, the first Respondent shall apply for appointment as an Assistant Teacher in the Biology Department of the institution; and

iv) In the event the Deputy Director of Education comes to the conclusion that no vacancy is available at present, either of a permanent or of a temporary nature, the claim of the first Respondent shall be considered in the event that a vacancy arises in the next 3 academic years.

2. The petition is accordingly disposed of by consent since no other point is pressed. No order as to costs.

3. Learned A.G.P. to furnish the intimation of the

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order that has been passed in this proceeding to the
Deputy Director of Education forthwith for compliance.
